

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS BALLESTEROS-DUARTE,

Petitioner,

v.

DAVID BREWER,

Respondent.

No. 2:22-cv-1836 DAD AC P

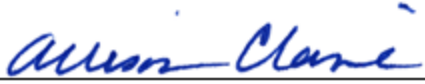
ORDER

Petitioner, a federal prisoner proceeding pro se, has requested that this action be dismissed. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, petitioner's request shall be honored.

Accordingly, IT IS HEREBY ORDERED that:

1. The May 23, 2023 findings and recommendations (ECF No. 5) are WITHDRAWN.
2. Petitioner's motion to dismiss the petition (ECF No. 6) is GRANTED.
3. This action is dismissed without prejudice. Fed. R. Civ. P. 41(a); see also Rules 1(b), 4, 28 U.S.C. foll. § 2254.
4. The Clerk of the Court is directed to close this case.

DATED: July 7, 2023

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE